

In re Application of:  
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Gerald BATIST, et al  
December 18, 2000  
09/779,223  
HEX II TUMOR-SPECIFIC PROMOTER AND USE THEREOF  
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3120

A<sup>1</sup>  
4. (Amended) A vector for providing selective gene expression in a tumor cell, said vector comprising a rat Hex II promoter that is selectively activated in tumor cells as compared with normal cells.

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A<sup>2</sup>  
13. (Amended) The gene construct of claim 1, wherein said construct is pHexII4557-CAT.

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A<sup>3</sup>  
15. (Amended) A tumor-specific Hex II gene construct comprising a rat Hex II promoter operatively linked to a gene and a vector selected from one of a expression vector, a shuttle plasmid, an adenovirus type 5 recombinant vector or a lipid-based delivery system wherein the promoter is selectively activated in tumor cells as compared with normal cells.

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17. (Amended) The tumor-specific Hex II gene construct of claim 3, wherein the tumor cell is a human tumor cell.

A<sup>4</sup>  
18. (Amended) The tumor-specific Hex II gene construct of claim 15, wherein the tumor cell is a non-human tumor cell.

19. (Amended) The gene construct of claim 15, wherein said vector is pΔE1sp1B and said construct is pΔE1sp1BHex-LacZ.

20. (Amended) The gene construct of claim 15, wherein said vector is pΔE1sp1B and said construct is pΔE1sp1BHex-TK.

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21. [Withdrawn from consideration]

22. [Withdrawn from consideration]